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Incoming 00070019

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From: "Howard Strand" <HStrand@osmre.gov>
To: "Wayne Hedberg" <WAYNEHEDBERG@utah.gov>
Date: 2/27/2007 4:38:49 PM
Subject: RE: Centennial Citation - NOV# 10003 (Non-coal waste) & Willow

Hello Wayne,

Henry and I agree that the Andalex Centennial Mine NOV did not equate to an offsite impact situation.

In addition, although we haven't really had an opportunity to discuss the Crandall Canyon situation in detail, we preliminarily agree with your assessment of a "minor offsite impact" for the surface discharge. However, in looking at Pete's e-mail and in particular the attached letter to the operator from Mike Herkimer of the DWQ, we are a little unclear as to why a violation was not issued by DWQ for an offsite impact that clearly occurred. Apparently, the "upset condition" of the UPDES permit referred to by Mr. Herkimer does not rise to the level of a violation. Could either DOGM or DWQ provide clarification for us on this? We will get back to you with a definitive response on the Willow Creek situation in the next week or so. Thanks Wayne.

Howard

-----Original Message-----

From: Wayne Hedberg [mailto:WAYNEHEDBERG@utah.gov]
Sent: Tuesday, February 20, 2007 11:24 AM
To: Howard Strand
Cc: Henry Austin; Karl Houskeeper; Pam Grubaugh-Littig; Pete Hess; Sheila Morrison; Susan White
Subject: RE: Centennial Citation - NOV# 10003 (Non-coal waste) & Willow

Howard,

I wasn't sure if you received notification from Karl about this NOV that he issued earlier this month to the Andalex Centennial Mine. It has been terminated (see attached email). Karl issued based upon operator's failure to control non-coal waste (trash) within the disturbed area. He did not feel that there was an off site impact associated with the violation. Please let us know if OSM concurs this determination.

P.S. - Also we are assuming you are in agreement with our assessment of a "minor offsite impact" for the surface discharge that resulted from the Willow Creek - Crandall Shaft backfilling activities (November/06). I know I saw an acknowledgment email that you had received Pete's email(s) regarding background of the event, our position and DWQ's determination that this qualified as an "upset event" for the UPDES permit. No formal enforcement action was taken by OGM or DWQ. Please advise if further discussion is necessary, or if you need any additional info. We have recently participated in a conference call with the operator, the BLM, and a shaft filling expert from Consol to discuss possible solutions to permanently close/seal the shaft. The shaft is presently fenced and otherwise secured to prevent unauthorized entry. Will keep you advised as the closure plans progress.

Thanks again Howard.

Wayne

CC: "Henry Austin" <HAustin@osmre.gov>, "Karl Houskeeper" <KARLHOUSKEEPER@utah.gov>, "Pam Grubaugh-Littig" <PAMGRUBAUGHLITTIG@utah.gov>, "Pete Hess" <PETEHESS@utah.gov>, "Sheila Morrison" <SHEILAMORRISON@utah.gov>, "Susan White" <SUSANWHITE@utah.gov>